



California Regional Water Quality Control Board

San Diego Region



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TO: Distribution List (Designated Parties and Interested Persons)

FROM: David King, Presiding Officer for Prehearing Proceedings
Tentative Cleanup and Abatement Order No. R9-2005-0126
SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

DATE: July 23, 2009

SUBJECT: ORDER ON JULY 8, 2009 CLEANUP TEAM RECOMMENDATION ON
PRELIMINARY SCHEDULE FOR BOARD HEARINGS
TENTATIVE CLEANUP AND ABATEMENT ORDER NO. R9-2005-0126

By Order dated June 9, 2008, the Presiding Officer referred the proceedings related to Tentative Cleanup and Abatement Order No. R9-2005-0126 to mediation. There have been subsequent extensions of the mediation period. Most recently, on June 10, 2009, the Presiding Officer issued an order that extended the mediation period and stay of the schedule of proceedings in the Second Amended Order of Proceedings until further notice based on the mediator's report that those potentially responsible parties that are participating in the mediation and the Regional Board Cleanup Team had reached an agreement in principle on the appropriate cleanup levels and the range of remedial actions subject to an allocation, an agreed-upon monitoring plan and the required formal approvals of the various entities. It was reported that these parties were in the process of finalizing the monitoring requirements.

On July 8, 2009, the Shipyard Sediment Site Cleanup Team issued a memorandum to John Robertus, requesting that a preliminary hearing schedule be established for the consideration of a final Cleanup and Abatement Order in November 2009. It is not clear from the memorandum which issues have been resolved and which remain unresolved. Nor is it clear whether the scope of the hearing would include issues regarding the determination of responsible parties. It is premature to establish a hearing schedule at this time and I will disregard the July 8, 2009, memorandum. The mediation period is extended and the schedule of proceedings continues to be stayed until I receive a report from the mediator on the status of resolution of issues and issue a further order.

DAK

California Environmental Protection Agency